

BOARD OF POLICE COMMISSIONERS

Minutes of the Regular Board of Police Commissioners Meeting Thursday, January 20, 2005

The regular meeting of the Detroit Board of Police Commissioners was held on Thursday, January 20, 2005, at 3:00 p.m., at Police Headquarters, 1300 Beaubien-Rm. 328-A, Detroit, Michigan 48226.

ATTENDANCE

Board Members Present

Arthur Blackwell, II
Erminia Ramirez
Jim Holley **(ABS)**
Megan Norris
Willie Hampton **(ABS)**

Department Personnel Present

DC Cara Best
Insp. Jamie Fields
Lt. Jeffrey Romeo
Lt. Donna Jarvis
Sgt. Debbie Jackson
Sgt. Robert Harris
Sgt. Romell Alexander
PO Mike Woody
PO Kent Cooper

Board Staff Present

Dante' L. Goss, Executive Director
E. Lynise Bryant-Weekes, Personnel Director
Denise R. Hooks, Attorney/Supervising Inv.
Arnold Sheard, Interim Chief Investigator
Ainsley Cromwell, Supervising Investigator
Kent Cooper, Police Officer

OTHERS PRESENT

WXYZ
WJR
WDIV

RECORDERS

Jerome Adams
Kellie Williams

1. CALL TO ORDER

Chairperson Blackwell called the regular meeting of the Detroit Board of Police Commissioners to order at 3:15 p.m.

2. APPROVAL OF MINUTES

♦ **Thursday, January 13, 2005**

MOTION: **Comm. Norris** made the motion to approve the above Minutes.

SECOND: **Comm. Ramirez** seconded the motion.

VOTE: All in attendance voted in the affirmative.

3. REPORT FROM THE CHAIR

There was no report from the Chair.

4. SECRETARY'S REPORT – EXEC. DIR. GOSS

On January 20, 2005, **Police Officer Clinton Andry**, Badge 415, assigned to the Second Precinct, IAS 03-227, was suspended **without pay** by Chief Ella M. Bully-Cummings.

On January 12, 2005, the Internal Controls Division was notified of an allegation of misconduct on the part of off-duty Police Officer Clifton Andry, badge 415, assigned to the Second Precinct. More specifically, the allegation of misconduct concerned the issuance of a warrant, charging Officer Andry with "Felony Assault," "Felony Firearm," and "Assault and Battery."

As a result, the Internal Affairs Section initiated an investigation, which revealed the following:

On October 14, 2003, at approximately 2:00 a.m., Officer Andry was off-duty and in civilian attire. At that time, Officer Andry was with a friend at a bar, Marilyn's on Monroe, located at 419 Monroe Street, in the city of Detroit. As

Officer Andry and his friend were leaving the bar, a security officer (hereinafter security officer 1) noticed that the friend had two (2) bottles of beer hidden in his coat. Security officer 1 then notified the friend that the beer could not be taken outside the bar. At this point, Officer Andry identified himself as a Detroit Police Officer and advised security officer 1 that they were going to leave the bar. Thereafter, a physical altercation ensued between security officer 1, Officer Andry, and the friend. The altercation concluded when Officer Andry struck security officer 1 in the head with his department issued firearm.

Officer Andry and his friend then exited the bar. Upon doing so, they were met by another security officer (hereinafter security officer 2), who was working outside of the bar. Security officer 2 advised Officer Andry that he was out of line for pulling his firearm out, inside as well as outside of the bar. Whereupon, Officer Andry struck security officer 2 in the jaw with his closed fist.

During the course of the altercation, Officer Andry lost his department issued firearm. The firearm has not been recovered.

Security officer 1 was treated at Henry Ford Hospital for a bruise to his forehead, and listed in temporary serious condition.

On October 27, 2003, the Internal Affairs Section forwarded a warrant request to the Wayne County Prosecutor's Office. On January 12, 2005, a warrant was issued against Officer Andry, charging him with "Felonious Assault," "Felonious Firearm," and "Assault and Battery." Felonious Assault is a felony punishable by not more than four (4) years in prison and/or a fine of not more than \$2,000.00; Felonious Firearm is a felony punishable by two (2) years in prison; and Assault and Battery is a misdemeanor punishable by 93 days in jail and/or a fine of \$500.00.

On January 13, 2005, Officer Andry appeared for arraignment at Thirty-Sixth District Court on the aforementioned charges. A plea of not guilty was entered on his behalf, and a \$1,000.00 personal bond was set. The preliminary examination is scheduled for January 24, 2005.

Based on the above circumstances, it is recommended that Officer Andry be charged with, but not limited to the following violation of the Detroit Police Department Rules and Regulations:

CHARGE: CONDUCT UNPROFESSIONAL; CONTRARY TO THE LAW ENFORCEMENT CODE OF ETHICS, THIS BEING IN VIOLATION OF THE DETROIT POLICE DEPARTMENT MANUAL, SERIES 100, DIRECTIVE 102.3-5.7, CONDUCT UNBECOMING AN OFFICER, COMMAND 3.

Atty. Goldpaugh stated since this incident occurred Officer Andry was investigated and for some reason this sat over at the Prosecutor's Office for a lengthy period of time. And, in fact the department had brought departmental charges against Officer Andry and they were adjourned because this had been either reinstated back to the Prosecutor's Office for review or they just got around to finally doing it. I am not here to contest the suspension based only on the felony.

Unless contravened by this Commission, the above suspension without pay will stand.

There were no contraventions to the above suspension without pay.

On January 20, 2005, **Police Office Paul Carmona**, Badge 2809, assigned to the Sixth Precinct, IAS Case #05-12, was suspended without pay by Chief Ella M. Bully-Cummings.

Atty. Goldpaugh asked may I approach?

Chairperson Blackwell asked on this item?

Atty. Goldpaugh stated yes, on the one that is coming up. Thank you.

Chairperson Blackwell asked on the one that was just read?

Atty. Goldpaugh stated no, the one that's coming up.

Chairperson Blackwell asked before it is read?

Atty. Goldpaugh stated yes, because I have to bring something to your attention.

Chairperson Blackwell stated okay.

Atty. Goldpaugh stated I have been contacted by Officer Carmona's personal attorney and he (Mr. Carmona) has informed me.... Originally, I wasn't going to be here today because we believe that there are certain circumstances that this should be resolved in the criminal courts before we contest any type of suspension. However, I have been informed by Mr. Allen Early, who is representing Mr. Carmona that he has some information that he would like to present to the Board, which is exculpatory nature and may go towards your decision as to whether or not he should be suspended without pay at this time. I do not have that information and Mr. Early is not here yet. I have indicated that I would meet him before 3:00 p.m. along with Mr. Carmona. At this point in time, I am asking that this matter be not read. I have no objections to the

date of the effective suspension being today as requested in the petition. But, I feel that rather than have this read at this time without Mr. Early and the exculpatory evidence, if that would be appropriate.

Chairperson Blackwell stated I don't think that it would be appropriate to have the suspension go forth without having being read into the record.

Comm. Norris stated we could defer argument.

Chairperson Blackwell stated yes, but we can't have the suspension go forth without the Board being read publicly what the charges are and then seeing whether or not we want to contravene. So, the decision would be do we want to delay this for a week or not.

Atty. Goldpaugh stated because the petition as written is asking that the suspension be effective today.

Chairperson Blackwell stated yes, that's because we thought we were going to hear it today.

Atty. Goldpaugh stated I understand that, but I am asking to not do that today, but when the argument is presented, I believe that should you not contravene then this would be the appropriate date.

Chairperson Blackwell stated okay, but I think where we are right not is to make a decision on whether the Board wants to defer this until next week. And, if we don't get the information next week to have it read anyway and basically make our decision based on the facts. So, whatever information that you are going to bring forward, you need to bring it forward prior to the next meeting.

Atty. Goldpaugh stated I understand that. Again, I don't have that because Mr. Early was going to be here to present that information.

Chairperson Blackwell stated whether he is here or not, this would be read into the record next week and we will have our decision.

Atty. Goldpaugh stated and that is what I am asking for. Thank you.

CITIZEN COMPLAINTS RECEIVED

<u>This Week</u>	<u>Year to Date</u>
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2005 - Weekly Count of Complaints:	10	39
2004 - Weekly Count of Complaints:	0	0

- The Office of the Chief Investigator (OCI) closed a total of 10 cases this week.
- The Office of the Chief Investigator submitted 9 cases to the Chief's Office. The Chief's Office has reviewed and returned 0 cases to OCI.

5. REPORT/PRESENTATION – CHIEF OF POLICE

DETROIT POLICE DEPARTMENT

REPORT TO THE BOARD OF POLICE COMMISSIONERS

Vision Statement

BUILDING A SAFER DETROIT THROUGH COMMUNITY PARTNERSHIPS.

The Detroit Police Department is committed to uphold its mission to provide a safe environment for our residents and businesses. This effort is not possible without the joint commitment of the community and the Police Department. We appreciate and value the role our citizens have played in helping us to take guns and drugs off the streets of the city of Detroit.

SPECIAL ENFORCEMENT ACTIONS

During the period of January 12th–18th, the *Narcotics Enforcement and Conspiracy Units* conducted 15 search warrants and 43 street enforcement actions within the boundaries of the city of Detroit, resulting in the following arrests and confiscations:

- ♦ 34 Felony arrests
 - ♦ 64 Misdemeanor arrests
 - ♦ 2 Juveniles detained
 - ♦ 84.3 Grams of cocaine, 27.8 grams of heroin, 38 pills and 750,2276.50 grams of marijuana - street value \$3,094,666.00
 - ♦ \$11,262.00 U.S. currency
- Confiscated:
- ♦ 6 Handguns

♦ 2 Vehicles

The Vice Unit

During the period of January 12th–18th while on-duty and in full uniform, officers of the Vice Unit conducted “Operation Pressure Point” within the boundaries of the 10th Precinct. As a result of their efforts, the following arrest and citations were issued:

- ♦ 1 arrested on a felony fugitive warrant
- ♦ 112 citations issued for moving violations

The Violent Crimes Task Force

On January 10th, officers from the Homicide Section along with the Detroit Fire Department responded to the 2700 block of Euclid on a “Car Fire, People Trapped Inside” run. Further investigation revealed that the occupants of the car were victims of homicide. A joint investigation conducted by the Violent Crimes Task Force and the Federal Bureau of Investigation lead to the arrest of the individual wanted for these two murders. Further investigation revealed this individual was also wanted in the state of Kansas in connection with a “Kidnapping” and “Aggravated Assault.”

Police/Community Intervention

TAKING THE GUNS OFF THE STREET !



**Total Guns Confiscated
Year-To-Date
66**

FIRST PRECINCT

On January 14th-15th officers of the 1st Precinct hosted the premiere of the North American International Auto Show. Approximately 216,000 people were in attendance during the holiday weekend. There were no major incidents or problems reported. The auto show is expected to draw nearly 800,000 visitors to the downtown area by the end of the show.

SECOND PRECINCT

On January 13th, officers from the 2nd Precinct while on patrol in the area of Plymouth and Wyoming observed a vehicle traveling at a high rate of speed. The officers conducted a traffic stop. As a result of an investigation, one man (1) was arrested for "Carrying Concealed Weapon – Motor Vehicle." Confiscated was one (1) blue steel automatic handgun.

THIRD PRECINCT

On January 11th, officers of the 3rd Precinct while on patrol in the area of Carson and Pitt observed a man matching the physical description of a person wanted for the armed robbery of a citizen. As the result of an investigation, one (1) man was arrested for "Armed Robbery - Citizen."

FIFTH PRECINCT

On January 15th, officers of the 5th Precinct received a "Home Invasion in Progress" run in the 4700 block of Haverhill. As the result of an investigation, two (2) men were arrested for "Home Invasion" and "Felonious Assault."

EIGHTH PRECINCT

On January 15th, officers of the 8th Precinct while on patrol in the 16000 block of West McNichols observed a man attempting to pry open a front steel security gate to a home. Subsequent to an investigation and after a brief foot chase, one (1) man was arrested for "Attempted Breaking and Entering." Confiscated was a crow bar.

TENTH PRECINCT

On January 15th, officers of the 10th Precinct responded to the 9600 block of North Martindale on a "Shots Fired Into the House" run. The investigation resulted in the arrest of three (3) men for "Carrying Concealed Weapon - Motor Vehicle" and "Assault With Intent to Commit Murder."

TWELFTH PRECINCT

On January 15th, officers of the 12th Precinct responded to 16000 block of Mendota, on a "Person Seen Handing another Person a Gun" run. Subsequent to an investigation, one (1) man was arrested for "Carrying Concealed Weapon - Person." Confiscated was one nickel plated revolver.

Chief of Police Ella M. Bully-Cummings

6. DISCUSSION & PRESENTATION OF GENERAL ORDERS

Lt. Jeffrey Romeo from the Planning and Accreditation Section gave the following presentation:

- **DIRECTIVE 103.2: GENERAL PURCHASING PROCEDURES**

Lt. Romeo stated this Directive talks about the procedures for utilizing Office Depot's internet accounts and how commanding officers are to utilize them when ordering basic office supplies.

- **402.2: ADMINISTRATIVE REPORTS**

Lt. Romeo stated this Directive makes reference to monthly stock requisitions when ordering basic office supplies.

Chairperson Blackwell asked do these Directives make reference to the consent decree? If it does not, then we might be prepared to vote on it today.

MOTION: **Comm. Ramirez** made the motion to approve the above Directives.

SECOND: **Comm. Norris** seconded the motion.

VOTE: All in attendance voted in the affirmative.

8. OTHER BUSINESS

There was no other business.

9. ANNOUNCEMENT OF NEXT MEETING

Thursday, January 27, 2005 @ 3:00 p.m.
Police Headquarters
1300 Beaubien, Rm. 328-A
Detroit, MI 48226

10. ORAL COMMUNICATION FROM THE AUDIENCE

There was no Communication From the Audience.

11. ADJOURNMENT

The meeting was adjourned at 3:25 p.m.

Respectfully submitted,

DANTE' L. GOSS
Executive Director
Board of Police Commissioners

DLG/kdw